

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

**Complaint on Sunday
and Holiday Collections**

Docket No. C2001-1

**DOUGLAS F. CARLSON
MOTION TO COMPEL THE UNITED STATES POSTAL SERVICE
TO RESPOND TO INTERROGATORIES DFC/USPS-71(a) & (b)**

July 28, 2001

I move to compel the Postal Service to respond to interrogatories DFC/USPS-71(a) and (b), which I filed on July 23, 2001.¹ The Postal Service objected to these interrogatories on July 27, 2001.² These interrogatories read as follows:

Please refer to the revised response to DFC/USPS-35(b), filed on July 12, 2001.

- a. For a city-delivery post office such as New York, New York, please confirm that Postal Service policy requires a final collection on Saturdays as late in the day as possible but not earlier than 1:00 PM for every collection box that is accessible to the public on Saturdays and that receives an average of 100 pieces of mail or more on weekdays. If you do not confirm, please provide copies of memos issued by Delivery Policies and Programs after July 23, 1999, that support your decision not to confirm the statement in this interrogatory.
- b. Please confirm that some collection boxes in Manhattan that receive an average of 100 pieces of mail or more on weekdays and that are accessible to the public on Saturdays have a final Saturday collection prior to 1:00 PM. If you do not confirm, please explain.

¹ Douglas F. Carlson Interrogatories to the United States Postal Service (DFC/USPS-70-71), filed July 23, 2001.

² Objection of the United States Postal Service to Carlson Interrogatories DFC/USPS-71(a-b), filed July 27, 2001 ("Objection").

These interrogatories follow up on the Postal Service's revelation in DFC/USPS-35 that the New York District performed collections on Monday, July 3, 2000, according to a Saturday collection schedule, rather than a weekday collection schedule.

In this complaint, I have alleged that current service levels on eves of holidays may not be adequate within the meaning of 39 U.S.C. § 3661(a).³ When the Postal Service performs final collections on the eve of a holiday prior to the posted collection time for the day of the week corresponding to the eve of the holiday, the Postal Service may not be fulfilling its statutory obligation to provide adequate postal services. As an individual postal customer, I face a substantial burden in proving that current service levels on eves of holidays are not adequate, particularly since the Postal Service controls most of the knowledge and information concerning both historical customer mailing patterns as well as collection and processing practices on eves of holidays. My resources for proving the inadequacy of current service levels through independently developed evidence are limited. Nonetheless, I intend to develop evidence describing problems with service levels on eves of holidays. When possible, I will use proxies to determine the adequacy of service. The presiding officer should afford me sufficient latitude to prove that current service levels on eves of holidays are not adequate.

Chapter 3 of the POM prescribes minimum service levels for posted collection times. One requirement is that every collection box that receives a daily average of 100 pieces of mail or more on weekdays must have a final weekday collection time at 5:00 PM or later and a final Saturday collection time that is as late in the day as possible; however, the Saturday collection time must not be earlier than 1:00 PM. POM § 322.1, POM § 322.232. Headquarters memos, including one issued on July 23, 1999, confirm that these service levels are mandatory for all city-delivery offices.

In this proceeding, I will argue that the national service standards stated in Chapter 3 of the POM, and as implemented by headquarters memoranda, are a proxy for adequate collection service. If post offices are not complying with the national service standards on Saturdays, I will argue that these post offices are not providing adequate collection services. Moreover, relevant to this proceeding, I will argue that if

³ Douglas F. Carlson Notice of Filing of Amended Pages of Complaint at ¶ 34, filed March 29, 2001.

the Saturday collection schedules in a particular city are not adequate, the use of Saturday collection schedules on a weekday, even if the weekday is the eve of a holiday, is not likely to be adequate, either. The Postal Service may not find this argument persuasive, of course, as the Postal Service still views the early collections on eves of holidays as “essentially a non-issue.”⁴ Nonetheless, I am entitled to advance the argument that the national service standards prescribed in Chapter 3 of the POM serve as a proxy for a minimum level of collection service that is adequate.

Interrogatory DFC/USPS-71(a) asks a simple question to confirm that Postal Service policy still requires a Saturday collection at 1:00 PM or later for every collection box that is accessible to the public on Saturdays and that receives an average of 100 pieces of mail or more on weekdays. I am aware of a confirmation of this policy in a headquarters memorandum dated July 23, 1999. If the policy has changed, the interrogatory requires the Postal Service to produce copies of memoranda issued after July 23, 1999, that confirm the policy change. Assuming the Postal Service confirms this policy, to the extent that CBMS data reveal Saturday collection schedules nationally that fail to conform to this policy, I will be able to develop additional evidence on the inadequacy of service when the Postal Service uses a Saturday collection schedule to collect boxes on a weekday holiday eve. This interrogatory is relevant to determining adequacy of service on eves of holidays.

Interrogatory DFC/USPS-71(b) seeks confirmation that some collection boxes in Manhattan do not conform to the policy described in DFC/USPS-71(a). Again, this question is a simple one designed to probe a highly relevant issue: Did the Postal Service provide adequate service when it performed collections in Manhattan on Monday, July 3, 2000, according to the Saturday collection schedule? For example, CBMS data will reveal that the collection boxes in the Wall Street area, where the New York Stock Exchange was open for business until 1:00 PM on Monday, July 3, 2000,⁵ have a final collection on Saturdays at 8:30 AM. The Postal Service knows that the New York District is not complying with the national service standards for collections.

⁴ Response of the United States Postal Service in Opposition to the Carlson Motion to Compel Regarding DFC/USPS-19–21 at 6, filed July 9, 2001 (“Opposition”).

⁵ See <http://www.nyse.com/about/historicclosings.html>.

The presiding officer should require the Postal Service to admit this fact. If, in fact, some Saturday collection schedules in Manhattan do not comply with the national service standards, I am entitled to advance the argument that use of Saturday collection schedules on a weekday cannot possibly satisfy the Postal Service's statutory obligation to provide adequate service. Interrogatory DFC/USPS-71(b) is relevant.

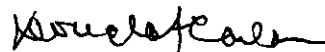
Before concluding this motion, I will address one other refrain from the Postal Service. The Postal Service apparently believes that the early collections on eves of holidays are localized or temporary service issues that the Commission should not entertain. I disagree. Discovery has documented early collections on eves of holidays in 1998, 1999, and 2000. Response to DFC/USPS-14. Indeed, at last count, fully 27 districts nationwide performed early collections on the eve of at least one holiday in 1999. Opposition at 7. As recently as 2000, the postal official who is now postmaster general authorized, and even seemed to encourage, performance clusters to "roll back collections to a Saturday schedule" on Monday, July 3, 2000. USPS-LR-1, June 23, 2000, Memo from John E. Potter: "Operations Policy for the Independence Day Holiday — July 4, 2000." To date, only the New York District has been confirmed to have embraced this offer to cut service, although CBMS history files may produce additional districts. See DFC/USPS-21. Nonetheless, this policy of performing early collections on eves of holidays is active and current. Given that the Postal Service apparently still sees nothing wrong with this policy, no reason exists to believe that the Postal Service will not invoke this national policy with even greater frequency in the future as a method of cutting costs. This proceeding should consider whether this national policy impedes the Postal Service's ability to provide adequate service.

To the extent that DFC/USPS-71(b) focuses on New York, this focus is appropriate for discussing the national implications of this policy. New York will serve as a sort of case study of the harm to postal customers of using a Saturday collection schedule to perform collections on a weekday. The presiding officer should provide me with sufficient latitude to perform a case study to develop evidence on this issue. Case studies are one way to manage the burden of analyzing nationwide service issues. The case study on New York will be even more useful if I can demonstrate that the Saturday collection schedules in New York may not be adequate for Saturdays, let alone

weekdays that happen to be eves of holidays. Interrogatories DFC/USPS-71(a) and (b) will provide necessary confirmation of facts that are under the control of the Postal Service.

In sum, DFC/USPS-71(a) and (b) will develop evidence on the adequacy of service when the Postal Service performs collections on the eves of holidays according to a Saturday collection schedule, rather than a normal weekday collection schedule. When Saturday collection schedules do not conform to the national service standards for Saturday collection schedules, Saturday collection schedules are inadequate for use on weekdays as well. Interrogatory DFC/USPS-71(a) focuses on the national policy, and DFC/USPS-71(b) focuses on Manhattan as a case study. The presiding officer should compel the Postal Service to respond to DFC/USPS-71(a) and (b).

Respectfully submitted,

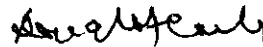


Dated: July 28, 2001

DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required parties in accordance with section 12 of the *Rules of Practice*.



DOUGLAS F. CARLSON

July 28, 2001
Santa Cruz, California